

ORDINANCE NO. _____

AN ORDINANCE

REENACTING AND AMENDING PART 3, ENTITLED “PUBLIC SANITARY SEWAGE SYSTEMS” AND KNOWN AS THE “PUBLIC SANITARY SEWAGE SYSTEM ORDINANCE OF EAST COVENTRY TOWNSHIP,” OF CHAPTER 18, ENTITLED “SEWERS AND SEWAGE DISPOSAL,” OF THE TOWNSHIP OF EAST COVENTRY CODE OF ORDINANCES, FURTHER PROVIDING FOR PUBLIC SANITARY SEWAGE SYSTEMS WITHIN EAST COVENTRY TOWNSHIP AND RELATED MATTERS, INCLUDING REQUIRING OR PERMITTING THE CONNECTION WITH AND USE OF PUBLIC SANITARY SEWAGE SYSTEMS BY CERTAIN IMPROVED PROPERTIES; PROVIDING FOR SUCH REQUIRED OR PERMITTED CONNECTIONS WITH AND USE OF PUBLIC SANITARY SEWAGE SYSTEMS; PROHIBITING CERTAIN PLACEMENT, DEPOSIT AND DISCHARGE OF SANITARY SEWAGE AND INDUSTRIAL WASTES; PROVIDING FOR PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES, INCLUDING PROHIBITING THE CERTAIN CONSTRUCTION AND USE THEREOF, PROHIBITING THE CONNECTION THEREOF TO A PUBLIC SANITARY SEWAGE SYSTEM, AND REQUIRING THE CERTAIN ABANDONMENT, DECOMMISSIONING, REMOVAL, CLEANSING AND FILLING THEREOF; PROVIDING FOR BUILDING SEWERS AND CONNECTIONS THEREOF TO PUBLIC SANITARY SEWAGE SYSTEMS; PROVIDING FOR EXTENSIONS OF PUBLIC SANITARY SEWAGE SYSTEMS; ESTABLISHING A SANITARY SEWER DISTRICT; PROVIDING FOR FEES, COSTS AND OTHER EXPENSES RELATED TO PUBLIC SANITARY SEWAGE SYSTEMS, INCLUDING CONNECTION CHARGES AND SEWER RENTAL FEES; AND PROVIDING FOR VIOLATIONS OF THE PART AND PRESCRIBING PENALTIES THEREFOR.

The Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, hereby **ENACTS** and **ORDAINS** as follows:

SECTION 1. Part 3, entitled “Public Sanitary Sewage Systems,” and known as the “Public Sanitary Sewage System Ordinance of East Coventry Township,” of Chapter 18, entitled “Sewers and Sewage Disposal,” of the Township of East Coventry Code of Ordinances, is hereby reenacted and amended to read as set forth in the Annex attached hereto and made fully part of this Ordinance.

SECTION 2. Notwithstanding the reenactment and amendment of Part 3 of Chapter 18 of the Township of East Coventry Code of Ordinances, as provided under and by Section 1 of this Ordinance, the provisions of this Ordinance shall not affect any act done or any liability incurred

under, and/or any suit or prosecution pending or to be instituted to enforce, the provisions of Part 3 as such provisions existed prior to the reenactment and amendment thereof under and by this Ordinance.

SECTION 3. The provisions of this Ordinance are severable. If any provision or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions, or parts thereof, of this Ordinance or the applicability of this Ordinance to other persons or circumstances. It is the intent of the Board of Supervisors that this Ordinance would have been adopted had such invalid, unconstitutional, or inapplicable provision not been included herein.

SECTION 4. This Ordinance shall become effective five (5) days after enactment hereof.

ENACTED and **ORDAINED** this day of , A.D. 2005.

BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP
Chester County, Pennsylvania

Robert F. Preston, Chairman

W. Atlee Rinehart, Vice Chairman

David K. Leinbach, Supervisor

John J. Doering, Supervisor

ATTEST:

David K. Leinbach
Township Secretary

Timothy J. Roland, Supervisor

Part 3

Public Sanitary Sewage Systems

§301. Short Title; Purpose.

1. Short Title. This Part shall be known and may be cited as the “Public Sanitary Sewage System Ordinance of East Coventry Township.”

2. Purpose. The purpose of this Part is to promote, protect, preserve, and otherwise provide for the public health, safety and welfare by providing for public sanitary sewage systems within East Coventry Township and related matters, including, but not limited to, requiring or permitting the connection with and use of public sanitary sewage systems by certain improved properties, providing for connections to and extensions and use of public sanitary sewage systems, establishing a sanitary sewer district, and providing for connection charges and sewer rental fees.

§302. Interpretation; Definitions.

1. General.

A. The captions and headings used in this Part are for convenience only and shall not control or affect the meaning or construction of any provision of this Part.

B. Unless otherwise expressly stated, or where the context clearly indicates otherwise, the words and phrases defined in this Part, whether with initial capitalization, full capitalization, or otherwise, shall be construed throughout this Part to have the meanings indicated in this Section.

C. The present tense of any word or phrase used in this Part includes the future; the singular number includes the plural, and the plural the singular; and the masculine gender includes the feminine and neuter.

D. Unless specifically provided otherwise in this Part, any reference in this Part to any other ordinance of the Township, to any Federal, State or County law or statute, to any regulation, study, map, survey, report, specifications or other matter issued or prepared by the Township, or any officer or official thereof, and/or by any Federal, State or County public body, or any officer or official thereof, shall include such other ordinance, such law or statute, and such regulation, study, map, survey, report, specifications or other matter, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, survey, report, specifications or other matter substituted for the same, as in force at the time of application under this Part.

E. Unless specifically provided otherwise herein, any reference in this Part to any governmental agency, department, board, commission or other public body, or to any public officer or other public official, shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or official at the time of application under this Part.

F. The provisions of this Part shall be liberally construed to effectively carry out its purposes. In interpreting and applying the provisions of this Part, the provisions shall be held to be the minimum requirements for the promotion of such purposes.

G. Where the provisions of this Part impose greater restrictions than those of any other applicable ordinance or regulation of the Township, the provisions of this Part shall prevail and control. Where the provisions of any other applicable ordinance or regulation of the Township or any applicable State or Federal statute or regulation impose greater restrictions than this Part, the provisions of such other applicable Township ordinance or regulation or such applicable State or Federal statute or regulation shall prevail and control.

H. In the event of any inconsistency or conflict between or among the provisions of this Part, the provision or provisions imposing the greater or greatest restriction shall prevail and control.

2. Specific Definitions. As used in this Part, the following words and phrases shall have the meanings indicated below except where the context specifically and clearly indicates otherwise:

ACCESSIBLE TO A PUBLIC SEWER, with respect to a property, shall mean that the property adjoins, abuts on or is adjacent to (i) a Public Sewer or (ii) a street or off-street easement in which a Public Sewer is located.

APPLICABLE RULES, REGULATIONS AND REQUIREMENTS shall mean all Township, Health Department, Commonwealth (including, but not limited, to PaDEP), and/or Federal rules, regulations and requirements, which are applicable to a particular construction, installation, maintenance, work or other activity regulated, provided for, required or allowed by, or otherwise subject of or to this Part. Without limiting the generality of the foregoing, APPLICABLE RULES, REGULATIONS AND REQUIREMENTS shall include the Township Technical Specifications. In the event of any inconsistency or conflict between or among any such Township, Health Department, Commonwealth and/or Federal rules, regulations and requirements, the rule, regulation or requirement, which imposes the greater or greatest restriction, shall prevail and control.

AUTHORITY shall mean the North Coventry Municipal Authority, a Pennsylvania municipality authority, which owns and operates the Wastewater Treatment Plant.

BOARD OF SUPERVISORS shall mean the Board of Supervisors of the Township, the governing body of the Township.

BUILDING SEWER shall mean that part of the drainage system of a structure, extending from the structure to the Lateral, into which part waste from the structure shall or may be discharged.

COMMONWEALTH shall mean the Commonwealth of Pennsylvania.

CONSTRUCTION CODE ACT - the Pennsylvania Construction Code Act, Act of November 10, 1999, P.L. 491, No. 45, *as amended*, 35 P.S. §§7210.101-7210.1103.

EDU shall mean an Equivalent Dwelling Unit, a measure of wastewater flow anticipated to be received from a single-family dwelling unit or the equivalent.

EDU ALLOCATION RESOLUTION shall mean the resolution adopted from time to time by the Board of Supervisors, establishing and otherwise providing criteria allocating EDUs to Improved Properties according to use.

HEALTH DEPARTMENT shall mean the Health Department of Chester County, Pennsylvania.

IMPROVED PROPERTY shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall or may be discharged.

INDUSTRIAL ESTABLISHMENT shall mean any Improved Property located in the Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property located in this Township, from which wastes, in addition to or other than Sanitary Sewage, shall or may be discharged.

INDUSTRIAL WASTES shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.

INTERNATIONAL RESIDENTIAL CODE – the “International Residential Code” as such term is defined and/or used in the Construction Code Act and the regulations promulgated thereunder.

INTERNATIONAL PLUMBING CODE - the “International Plumbing Code” as such term is defined and/or used in the Construction Code Act and the regulations promulgated thereunder.

LATERAL shall mean that part of the Public Sewer extending from a sewer main, located in the street right-of-way or off-street easement, to the structure-side of the Building Sewer serving an Improved Property and connected or to be connected with the Building Sewer. If there are no present improvements on a property, LATERAL shall mean that part of the Public Sewer extending from said sewer main to the street right-of-way line or off-street easement line for future connection to the Building Sewer, if and when the property is improved.

NATURAL OR CREATED OUTLET shall mean any outlet, whether naturally occurring or created, to a watercourse, ditch, pond, lake or other body of surface or ground water.

OWNER shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

PaDEP shall mean the Department of Environmental Protection of the Commonwealth.

PART shall mean this Part 3 of the Code of Ordinances of the Township of East Coventry, including any appendix to this Part 3 and any resolution adopted pursuant to or referred to in this Part 3.

PERSON shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity. Whenever used in any provision of this Part prescribing and imposing a penalty or imposing a fine or imprisonment, PERSON shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

PUBLIC SEWER shall mean any off-site system, including all parts, facilities and other appurtenances thereof (including Laterals), owned and/or operated by the Township, for the collection, conveyance, treatment and/or disposal of Sanitary Sewage and/or Industrial Wastes through means approved by PaDEP.

SANITARY SEWAGE shall mean “sewage” as defined in and by the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, *as amended*, 35 P.S. §750.1 *et seq.*, and the rules and regulations of PaDEP thereunder.

TOWNSHIP shall mean the Township of East Coventry, Chester County, Pennsylvania, acting by and through the Board of Supervisors or, in appropriate cases, authorized representatives.

TOWNSHIP ENGINEER shall mean the professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed and employed as the engineer for TOWNSHIP or engaged by TOWNSHIP as a consultant thereto.

TOWNSHIP TECHNICAL SPECIFICATIONS shall mean and include the specifications set forth in the document entitled “Technical Specifications for Construction of Sanitary Sewers and Appurtenances East Coventry Township,” revised February 24, 2004, numbered ARRO 5222.01, and prepared by ARRO Consulting, Inc.

WASTEWATER TREATMENT PLANT shall mean the wastewater treatment plant and related facilities in North Coventry Township, Chester County, Pennsylvania, owned and operated by the Authority, to which plant Sanitary Sewage and/or Industrial Waste, collected by the Public Sewer, is conveyed by the Public Sewer for treatment and disposal.

3. Township Technical Specifications. Without limiting, but in furtherance of, the generality of other applicable requirements of this Part, the Township Technical Specifications, for purposes of Section 305 of the Construction Code Act, shall constitute standards containing provisions, which equal or exceed the requirements of the regulations, promulgated under the Construction Code Act, the International Residential Code and/or the International Plumbing Code, for lateral connections located on private property and connecting to the Public Sewer. For purposes of the foregoing, “lateral connections” shall include a “Lateral” and a “Building Sewer” as those two terms are defined in Section 302.2.

§303. Connection with and Use of Public Sewers.

1. Required Connection with and Use of Public Sewers.

A. The Owner of any Improved Property, which is Accessible to a Public Sewer and whose principal structure, or any part thereof, is within one hundred fifty (150) feet from the Public Sewer, shall connect the Improved Property to the Public Sewer and shall use the Public Sewer within sixty (60) days, or such other additional time as may be determined appropriate by the Township, after notice from the Township to make such connection and use is served upon the Owner, for the purpose of discharging all Sanitary Sewage and/or Industrial Wastes from the Improved Property. The notice of the Township to connect with and use the Public Sewer shall be in accordance with Section 303.3.

B. The Owner of any unimproved property, which is Accessible to a Public Sewer and which subsequently becomes an Improved Property with any part of the principal structure on the property being within one hundred fifty (150) feet from the Public Sewer, shall, at the time of the erection of the structure, install sanitary facilities in the structure and connect the same to the Public Sewer and use the Public Sewer for the purpose of discharging all Sanitary Sewage and/or Industrial Wastes from the Improved Property.

C. The connection with and use of the Public Sewer under Paragraphs A and B above, as well as the installation of the sanitary facilities in the structure under Paragraph B above, shall be at the expense of the Owner of the Improved Property, subject to and in accordance with Applicable Rules, Regulations and Requirements, and otherwise subject to and in accordance with the provisions of this Part, including, but not limited to, the limitations and restrictions set forth in this Part.

2. Permitted Connection with and Use of Public Sewers.

A. The Owner of any Improved Property Accessible to a Public Sewer on which property no part of the principal structure is within one hundred fifty (150) feet from the Public Sewer, who desires to connect with and use the Public Sewer for the purpose of discharging all Sanitary Sewage and/or Industrial Wastes from the Improved Property, shall be permitted to connect with and use the Public Sewer for such purpose, provided that the Public Sewer and Wastewater Treatment Plant has sufficient capacity to accept, treat and dispose of the Sanitary Sewage and/or Industrial Wastes to be discharged from the Improved Property.

B. The Owner of any Improved Property not Accessible to a Public Sewer, but who desires to connect with and use the Public Sewer for the purpose of discharging all Sanitary Sewage and/or Industrial Wastes from the Improved Property, shall be permitted to connect with and use the Public Sewer for such purpose, provided that (i) the Owner, at the Owner's expense, is able to arrange for connection to the Public Sewer through intervening properties, and (ii) the Public Sewer and Wastewater Treatment Plant has sufficient capacity to accept, treat and dispose of the Sanitary Sewage and/or Industrial Wastes to be discharged from the Improved Property.

C. The connection with and use of the Public Sewer under Paragraphs A. and B above shall be at the expense of the Owner of the Improved Property, subject and in accordance with Applicable Rules, Regulations and Requirements, and otherwise subject to and in accordance with the provisions of this Part, including, but not limited to, the limitations and restrictions set forth in this Part.

3. Notice.

A. The notice to the Owner of Improved Property by the Township to make connection with and use a Public Sewer, as provided in Section 303.1, shall consist of a written or printed document referring to this Part and requiring the connection within sixty (60) days, or such additional time as may be determined appropriate by the Township, from the date such notice is served upon the Owner. The notice may be served at any time after a Public Sewer is in place that is able to receive and convey Sanitary Sewer and/or Industrial Wastes from the Improved Property to the Wastewater Treatment Plant for treatment and disposal. The notice shall be served by personal service or by registered mail, or by such other method as at the time may be provided or permitted by law.

B. In the event that the Owner of Improved Property fails to connect with and use the Public Sewer within such sixty (60)-day period, or such additional time as may be determined appropriate by the Township, after the notice to connect and use has been served upon the Owner, the Township, at its discretion, shall have the right, but not the duty, by itself or agents thereof, to enter upon the Improved Property and construct the connection. In such case, the Township shall, upon completion of the connection work, send an itemized bill of the cost of connection to the Owner, which bill shall be payable in full immediately. Should the Owner fail to so pay the bill, the Township shall have the right to collect the same in the manner permitted and pursuant to applicable law, including, but not limited to, the filing of a municipal claim and lien therefor.

4. Limitations and Restrictions on Sanitary Sewage and Industrial Wastes to be Discharged into a Public Sewer. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Public Sewer as may be required or permitted under Sections 303.1 or 303.2, shall be conducted into the Public Sewer, subject, however, to limitations and restrictions as shall be provided in this Part and/or as otherwise may be established by the Township and/or the Authority from time to time. Such limitations and restrictions shall include, without limitation, the prohibited wastes set forth in Appendix "A" to this Part.

§304. Prohibited Placements, Deposits and Discharges of Sanitary Sewage and Industrial Wastes.

1. No Person shall place or deposit, or permit to be placed or deposited, upon public or private property within the Township any Sanitary Sewage or Industrial Wastes in violation of Section 303.1.

2. No Person shall discharge, or permit to be discharged, to any Natural or Created Outlet within the Township any Sanitary Sewage or Industrial Wastes in violation of Section 303.1, except where suitable treatment has been provided that is satisfactory to the Township, and that is consistent and in compliance with Applicable Rules, Regulations and Requirements, including, but not limited to applicable statutes of the Commonwealth, and any applicable rules, regulations and requirements and/or permits of or issued by the PaDEP and/or the Health Department.

§305. Privy Vaults, Cesspools, etc.

1. Except and may be otherwise specifically approved and authorized, in writing, by and at the discretion of the Township, no privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be constructed, used or maintained at any time upon any Improved Property which is connected to the Public Sewer or which is required to be connected with and use a Public Sewer under Section 303.1.

2. Except and may be otherwise specifically approved and authorized, in writing, by and at the discretion of the Township, every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned, and upon connection of the Improved Property to the Public Sewer, shall be (i) decommissioned and all components thereof removed from the Improved Property, or (ii) at the discretion of the Township, cleansed and filled. Such abandonment, decommissioning, removal, cleansing and filling shall be at the expense of the Owner of the Improved Property, shall be completed within such time after connection of the Improved Property to the Public Sewer as the Township shall direct, shall be under the direction and supervision of the Township, and shall be in accordance with Applicable Rules, Regulations and Requirements. Any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned, decommissioned, removed, cleansed and/or

filled, is hereby declared to be a nuisance, which shall be abated as provided by law at the expense of the Owner of the Improved Property.

3. No such privy vault, cesspool, sinkhole, septic tank or similar receptacle shall, at any time, be connected to or with a Public Sewer.

§306. Building Sewers and Connections with Public Sewers.

1. Connection Permit.

A. No Person shall uncover, connect with, make any opening into, use, alter or disturb, in any manner, any Public Sewer or any part thereof without first obtaining a connection permit, in writing, from the Township.

B. Application for the connection permit shall be made by the Owner of the Improved Property to be connected with the Public Sewer, or by a duly authorized agent of such Owner. The form and content of the permit application shall be established, from time to time, by the Township.

2. Prerequisites for Connection to Public Sewer. No Person shall make, or shall cause to be made, any connection of any Improved Property with a Public Sewer until such Person shall have fulfilled all of the following conditions:

A. Such Person shall have notified the Township of the desire and intention of the Person to connect the Improved Property to a Public Sewer, such notification to given to such official or representative of the Township as shall be designated from time to time by the Board of Supervisors to receive such notification;

B. Such Person shall have applied for and obtained a connection permit as required by Section 306.1;

C. Such Person shall have paid, in full, the connection charges as provided under and by Section 309, together with any other applicable fees or charges; and

D. Such Person shall have given the Township at least forty-eight (48) hours notice prior to the time when such connection will be made so that the Township may supervise and inspect, or may cause to have supervised and inspected, the work of connection and necessary testing, such notification to given to such official or representative of the Township as shall be designated from time to time by the Board of Supervisors to receive such notification.

3. Separate Connections.

A. Each Improved Property and each structure on an Improved Property discharging Sanitary Sewage or Industrial Wastes, to be connected with and use a Public Sewer, shall be connected separately and independently with the Public Sewer by and through a separate Building Sewer. The connection of more than one Improved Property, or more than one structure discharging Sanitary Sewage and/or Industrial Wastes on a single Improved Property, to one Building Sewer shall not be permitted.

B. Notwithstanding Paragraph A above, the connection of more than one structure discharging Sanitary Sewage and/or Industrial Wastes on a single Improved Property to one

Building Sewer (the “Common Building Sewer”) may be permitted, but only for good sanitary reasons or other good cause shown, but then only after special permission of the Township, in writing, shall have been secured, and subject to the following conditions and such other conditions as may be prescribed by the Township:

(1) The minimum nominal diameter of the Common Building Sewer shall be eight (8) inches, the Common Building Sewer shall extend to and connect to the Public Sewer via a sanitary sewer manhole (as opposed to a tee, wye or saddle connection), and the Common Building Sewer shall be located within an easement, which shall in turn be offered for dedication to the Township along with the Common Building Sewer. Upon acceptance of such dedication, the Common Building Sewer and easement shall become a Public Sewer, and until such time as the Township accepts dedication thereof, the Common Building Sewer and easement shall be considered an Extension of Public Sewer as provided in Section 307. For purposes of the remaining provisions of Paragraph B, all requirements applicable to a Public Sewer shall apply to the Common Building Sewer.

(2) The width of the easement in which the Common Building Sewer is located shall comply with the requirements set forth in the Township Technical Specifications.

(3) The upper reach of the Common Building Sewer shall terminate at a sanitary sewer manhole.

(4) Each individual structure on the Improved Property shall connect to the Common Building Sewer via a Building Sewer and Lateral, each as defined in Section 302.

(5) Common Building Sewer design, materials and methods of construction and installation, including but not limited to sanitary sewer manholes, shall comply with the requirements for Gravity Sewers as set forth in the Township Technical Specifications.

4. Costs of Construction and Connection of Building Sewers. All costs and expenses of construction of a Building Sewer, and all costs and expenses of connection of a Building Sewer to a Public Sewer, shall be borne by the Owner of the Improved Property to be connected. The Owner shall indemnify and shall save harmless the Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of the Building Sewer and/or the connection of the Building Sewer to the Public Sewer.

5. Location of Connection of Building Sewers. A Building Sewer shall be connected to a Public Sewer at the place designated by the Township and where, if applicable, the Lateral is provided, subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

6. Existing House Sewer Line as a Building Sewer. Where an Improved Property, at the time its connection to a Public Sewer is to be made, is served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and connection shall be made, with proper fittings, to continue such house sewer line as a Building Sewer, subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

7. Inspection and Approval of Building Sewers.

A. No Building Sewer shall be covered until it has been inspected and approved by the Township, as provided in and by the Township Technical Specifications and other Applicable Rules, Regulations and Requirements. If any part of a Building Sewer is covered before being so inspected and approved, it shall be uncovered, at the cost and expense of the Owner of the Improved Property to be connected to the Public Sewer, for such inspection and approval.

B. All such inspections and approval by the Township shall be at the cost and expense of the Owner of the Improved Property to be connected to the Public Sewer.

C. All such inspections by the Township shall be undertaken by the Township Engineer, and shall be completed not less than forty-eight (48) to seventy-two (72) hours after the Township is given notice by the Owner of the Improved Property that the uncovered Building Sewer has been connected, both within and outside the structure on the Improved Property being connected, and is ready for inspection.

D. Unless otherwise directed by the Board of Supervisors, all such approvals by the Township shall be given by the Township Engineer.

8. Maintenance, Repair and/or Replacement of Building Sewers. It shall be the responsibility of the Owner of Improved Property, at the expense of the Property Owner, to maintain every Building Sewer on the Improved Property at all times in a sanitary and safe operating condition, and to repair and replace the same as shall be necessary. Such maintenance, repair and replacement shall in accordance with and comply with all Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

9. Building Sewer Excavations. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury, and any street, sidewalk and other property disturbed in the course of installation of a Building Sewer shall be restored. Such guarding and excavation shall be at the cost and expense of the Owner of the Improved Property being connected, and in a manner satisfactory to the Township and otherwise subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

10. Unsatisfactory Condition of Building Sewers. If any Person shall fail or refuse, upon being served with a written notice from the Township, to remedy any unsatisfactory condition with respect to a Building Sewer within thirty (30) days, or such additional time as may be determined appropriate by the Township, of service of the notice, the Township, at its discretion, may refuse to permit such Person to discharge, or to continue to discharge, Sanitary Sewage and Industrial Wastes into the Public Sewer until such unsatisfactory condition shall have been remedied in a manner satisfactory to the Township and otherwise subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements. Such right of refusal shall be in addition to such other or further remedies as may be available to the Township to correct the unsatisfactory condition.

§307. Extensions of Public Sewer. All extensions of a Public Sewer shall be constructed, installed and/or otherwise completed in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements. For purposes of this Section, "Public Sewer" shall mean not only a "Public Sewer," as such phrase is defined in and by Section 302.2, but also any "Public Sewer" as so defined but which is not, at the particular time, owned and/or operated by the Township but intended to be ultimately owned and/or operated by the Township.

§308. Sanitary Sewer District. A single sanitary sewer district is hereby established, which shall comprise that portion of the Township north of Pigeon Creek and north of Bickels Run as more particularly shown and identified as the “Sanitary Sewer District” on the Sanitary Sewer District Map, dated May 17, 2005, appearing as Appendix “B” to this Part.

§309. Connection Charges.

1. The Township hereby imposes connection charges against and to be paid by the Owner of any Improved Property required or permitted to be connected with and use a Public Sewer under and in accordance with this Part.

2. The connection charges imposed against and payable by the Owner of Improved Property shall be established from time to time by resolution of the Board of Supervisors. The connection charges shall include, without limitation, a connection fee, customer facilities fee and/or a tapping fee as enumerated and defined in and by the Municipality Authorities Act, 52 Pa.C.S. §5601 *et seq.* Connection charges in the nature of tapping fees, as established by said resolution, shall be imposed on the basis of EDUs allocated to the Improved Property pursuant to the EDU Allocation Resolution.

3. The connection charges shall be due and payable in full either at the time the application is made to the Township for a permit to connect to the Public Sewer, as provided in Section 306.1, or in the case an Owner of Improved Property fails to make connection to the Public Sewer as required by the Township pursuant to Section 303.1, on the date when the Township connects the property to the Public Sewer at the cost and expense of the Owner.

4. All connection charges shall be payable to the Township. Payments of connection charges shall be tendered to such official or representative of the Township as shall be designated and authorized from time to time by the Board of Supervisors to accept payment.

5. Payment of connection charges shall be enforced and recovered by the Township in such manner as provided or permitted by law then in effect.

§310. Sewer Rental Fee.

1. The Owner of any Improved Property connected, or required to be connected, to a Public Sewer, shall pay a monthly, quarterly, semi-annual or annual sewer rental fee, as shall be adopted from time to time by resolution of the Board of Supervisors. The sewer rental fee, as adopted by said resolution, shall be imposed on the basis of EDUs allocated to the Improved Property pursuant to the EDU Allocation Resolution. The obligation to pay sewer rental fee shall commence on the earlier of the following two dates: (i) the date on which the Improved Property is connected to the Public Sewer; or (ii) in the case the Owner of Improved Property does not connect the Improved Property to the Public Sewer within the time required by the Township pursuant to Section 303.1, the last date when Owner should have connected the Improved Property to the Public Sewer as so required by the Township.

2. The sewer rental fee shall be in addition to (i) all costs and expenses of constructing the Building Sewer by which the Improved Property is connected, or required to be connected, to the Public Sewer, (ii) all costs and expenses in connecting such Building Sewer to the Public Sewer, and (iii) the connection charges provided under Section 309.

3. The amount of the sewer rental fee shall constitute a lien until paid against the Improved Property connected, or required to be connected, to the Public Sewer, and, if not timely paid, may be recovered by the Township in such manner as provided or permitted by law then in effect.

4. All sewer rental fees shall be payable to the Township. Payments of sewer rental fees shall be tendered to such official or representative of the Township as shall be designated and authorized from time to time by the Board of Supervisors to accept payment.

5. All sewer rental fees shall be deposited in a special fund to be used only for payment of the cost of construction, reconstruction, repair, operation and maintenance of the Public Sewer.

6. Should the number of EDUs allocated to an Improved Property be adjusted in a manner prescribed in the EDU Allocation Resolution, the Owner of the Improved Property shall pay the then current sewer rental fee based on the adjusted EDU allocation. Until such time of adjustment, the Owner of the Improved Property shall continue to pay the sewer rental fee based on the current EDU allocation. In no case shall a retroactive reimbursement of sewer rental fees be made from Township to Owner or from Owner to Township for adjustment of EDU allocation to an Improved Property.

§311. Violations and Penalties.

1. Fines and Penalties.

A. Any Person, who fails or refuses to comply with any provision of this Part, shall be in violation of this Part, which violation shall be enforced by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

B. Upon conviction, such Person shall pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) (or such other maximum fine as then may be provided or permitted by applicable law) per violation, together with costs of prosecution, including but not limited to reasonable attorney's fees, in each case. Upon default in payment of the fine and costs, such Person shall be subject to imprisonment to the maximum extent allowed by law for the punishment of summary offenses.

C. Each day, or portion thereof, that a violation is found to exist, and each provision of this Part that is found to have been violated, shall constitute a separate offense each punishable by the aforesaid fine and imprisonment..

D. All fines and costs collected for the violation of this Part shall be paid to the Township.

2. Other Remedies. The provisions of Section 311.1 (including, but not limited to the manner of enforcement of a violation of this Part and the fine and the penalty for such violation) shall not be in limitation of, but shall be in addition to:

A. Such other or further remedies or enforcement actions as may be available to the Township under other provisions of this Part or under other law (including, but not limited to, other applicable local, state or federal law) or in equity (including, but not limited injunctive relief) for any actions or inactions which violate of any provision of this Part. Nothing in this Section or other provision of this Part shall be deemed to preclude the Township from pursuing such other or further remedies concurrently.

B. Such other or further remedies or enforcement actions as may be available to any governmental entity, other than Township, having jurisdiction, under any applicable local, state,

or federal law, or in equity (including, but not limited injunctive relief), for any actions or inactions which violate any provision of this Part.

PROHIBITED WASTES

- A. Prohibited wastes include any discharge other than sanitary sewage traditionally defined as follows: normal water-carried household and toilet wastes from residences, apartments, business buildings, institutions, commercial and industrial (non-process discharges only) establishments, or any other Improved Property. (As used in this Appendix, “sanitary sewage” shall have the foregoing meaning.)
- B. The Township reserves the right to refuse permission to connect to the Public Sewer for, to compel discontinuance of use of the Public Sewer for, or to compel pretreatment of, industrial wastes (being any waste other than sanitary sewage as defined in this Appendix) by any Industrial Establishment, in order to prevent discharges deemed harmful, or deemed to have a deleterious effect upon the Public Sewer.
- C. A discharge exceeds normal strength sanitary sewage and is a prohibited waste if any one or more of the following criteria, enumerated in 1 through 6, are exceeded:
1. Any discharge exceeding normal domestic strength sanitary sewage, as defined by the following criteria:

BOD ₅	204 mg/L
Total Suspended Solids	240 mg/L
Total Dissolved Solids	500 mg/L
Settleable Solids	10 ml/L
COD	500 mg/L
Ammonia-nitrogen	30 mg/L
Organic Nitrogen as N	15 mg/L
Total Kjeldahl Nitrogen	45 mg/L
Phosphorus (as P)	10 mg/L
Alkalinity (as CaCO ₃)	between 50 mg/L and 200 mg/l
pH (standard units)	between 6.5 and 9.0
 2. Any discharge containing storm water, surface water, spring water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections.
 3. The following discharges of any liquid or solid wastes, substances or matter, are prohibited:
 - a. Any discharge having a temperature higher than 140 degrees Fahrenheit, or less than 32 degrees Fahrenheit.
 - b. Any discharge containing more than 100 milligrams per liter of dissolved fat, oil, wax, grease, either vegetable or mineral, or containing any substance which may solidify between 32 and 100 degrees Fahrenheit. Any discharge containing floatable oils, fats or grease.
 - c. Any discharge of liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other

substances to cause fire or explosion or be injurious in any other way to the sewer facilities or to the operations of the sewer facilities.

At no time shall two successive readings on an explosion hazard meter at the point of discharge into the Public Sewer (or at any point in the Public Sewer) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, alcohols, ethers, ketone, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, sulfides, fuel oil, motor oil, paint products, acid or other volatile, explosive or flammable substance which by reason of its nature or quality may cause fire or explosion, or be in any way injurious to persons, to the Public Sewer to the Wastewater Treatment Plant facilities.

- d. Any discharge containing toxic, noxious, poisonous or malodorous solids, liquids or gases, vapors, fumes or substance, which either singly or by interaction with other wastes, is capable of:
- creating a public nuisance or hazard to life;
 - preventing routine entry into sewers for normal maintenance and repair;
 - may cause worker health and safety problems;
 - interfering with any wastewater treatment process;
 - constituting a hazard to humans or animals;
 - causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a Whole Effluent Toxicity test; and/or
 - creating any hazard in the receiving waters or in the Wastewater Treatment Plant.

Toxic wastes shall include but not be limited to wastes containing cyanide, chromium, copper and nickel ions, or any pollutant identified pursuant to Section 307 of the Clean Water Act, *as amended*, 33 U.S.C. 1251 *et seq.*

- e. Any discharge containing any garbage from kitchen wastes that has not been properly shredded.
- f. Any discharge, in quantities or of such size capable of causing obstructions in the sewers, pump stations or other interferences with the proper operation of the Wastewater Treatment Plant facilities, containing, but not limited to:
- animal guts or tissues, paunch manure, butchers, offal, bones, hair, hides or fleshing, entrails;
 - antifreeze;
 - any solids greater than one-half inch in any dimension;
 - ashes;
 - bentonite;
 - blood or blood components or products;
 - building materials;
 - ceramic wastes;
 - china;
 - cinders;

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- detergents, surfactants or, other agents in quantities that cause excessive foaming at the Wastewater Treatment Plant;
 - feathers;
 - glass, glass grindings or polishing wastes;
 - grass clippings;
 - hair;
 - leather;
 - lye;
 - medical wastes;
 - metal;
 - mud;
 - paper dishes, paper cups, paper or cardboard containers;
 - petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil);
 - plastic;
 - porcelain;
 - rags;
 - rubber;
 - sand;
 - sharps (needles, razor blades, syringes, scalpels, etc.);
 - shavings
 - sludge, screenings or other residues from treatment processes of others;
 - spent grains;
 - spent hops;
 - spent lime;
 - straw;
 - stone or marble dust;
 - tar;
 - waste paper;
 - wood; and/or
 - any other solids or viscous substances capable of causing obstruction to the flow in sewer system or other interference with the proper operation of the Public Sewer or Wastewater Treatment Plant.
- g. Any discharge containing inert, insoluble solids such as: asphalt, clay, slag, mill scale, or sludges and slurries.
- h. Any discharge having a pH lower than 6.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel.
- i. Any discharge containing total solids of such character and quality that unusual attention or expense is required to handle such materials at the Wastewater Treatment Plant.
- j. Any discharge containing radioactive isotopes.
- k. Any discharge of discolored materials containing true color from any source and of any hue with less than the equivalent luminescence and greater than the equivalent purity of a 250 color unit platinum-cobalt stock standard, as determined by spectrophotometric methods. Equivalent values shall be

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determined at the dominant wave length of the sample and compared to the values determined at the dominant wavelength of the stock standard.

Any discharge with sufficient color that is not removed by the treatment process that causes the effluent of the Wastewater Treatment Plant to have true color discharge in excess of 100 color units.

Any dye that is non-responsive to removal by alum coagulation to remove suspended or colloidal matter, and/or non-responsive to chlorine bleaching of the dissolved dyes.

- l. Any discharge, that individually or in combinations with other wastes, exerts a chlorine demand in excess of 12 mg/L, at a detention time of 15 minutes, on the effluent of the Wastewater Treatment Plant after biological treatment and prior to disinfection.
- m. Any discharge which will cause the Wastewater Treatment Plant to violate its NPDES and /or Water Management Permit, or violate the water quality standards for the receiving stream. Any discharge containing wastes which are not amenable to biological treatment or removal by the existing treatment processes, or are only partially amenable to treatment such that the effluent of the Wastewater Treatment Plant does not meet the regulatory requirements; specifically, any discharge containing non-biodegradable complex carbon compounds.
- n. Any discharge containing suspended solids of such character and quantity that unusual attention or expense shall be required to handle such water or waste at the Wastewater Treatment Plant.
- o. Any discharge containing more than 25 mg/L of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- p. Any discharge prohibited by any permit or regulation of PaDEP, or the Environmental Protection Agency.
- q. Any discharge of waste slugs, such that the discharge exceeds the allocated flow criteria and the peaking factors associated with the flow allocation.
- r. Any discharge of concentrations of anions, cations, and other various objectionable substances that would make the Township and/or Authority responsible discharging such substances in excess of that amount permitted in the allocated portion of the critical flow of the receiving stream.
- s. Any discharge from a trucked or hauled source.
- t. Any discharge which may cause the effluent or other product of the Wastewater Treatment Plant (such as residues, sludge, or scum) to be unsuitable for reclamation, disposal, and reuse, or to interfere with the reclamation process.

In no case shall a substance discharged to the sewer system cause the Wastewater Treatment Plant to be in noncompliance with sludge use or disposal criteria,

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guidelines, or regulations developed under Section 405 of the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used at the Wastewater Treatment Plant.

- u. Any waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit (that is, discharges whose vapors ignite and burn at less than 140 degrees Fahrenheit.)
 - v. Any discharge containing detergents, surface active agents, or other substances which may cause excessive foaming in the Wastewater Treatment Plant.
4. Any discharge which violates the Federal Categorical Pretreatment Standards as defined in 40 C.F.R., Subchapter N, Parts 401 to 471, as amended and revised.
 5. Any discharge which violates the Pennsylvania State Pretreatment Standards, where those standards are more stringent than Federal or the Authority's standards.
 6. Concentrations for elements or compounds in excess of the following:

Aluminum	5.00 mg/L
Ammonia (as N)	30.00 mg/L
Antimony	0.10 mg/L
Arsenic	0.05 mg/L
Barium	1.00 mg/L
Beryllium (as Be)	0.10 mg/L
BOD5	204.00 mg/L
Boron	1.00 mg/L
Bromides	250.00 mg/L
Cadmium (as Cd)	0.01 mg/L
Chemical Oxygen Demand	500.00 mg/L
Chlorides	50.00 mg/L
Chrome	0.10 mg/L
Chromium (hexavalent)	0.10 mg/L
Chromium (trivalent)	0.50 mg/L
Cobalt	0.50 mg/l
Copper	1.00 mg/L
Cyanides (as CN)	0.20 mg/L
Endrin	0.0004 mg/L
Fluorides	5.0 mg/L
Hydrogen Sulfides	0.10 mg/L
Iron	5.0 mg/L
Lead	0.05 mg/L
Lithium	2.50 mg/L
Lindane	0.008 mg/L
Magnesium	25.00 mg/L
Manganese	0.20 mg/L
Methoxychlor	0.20 mg/L
Methylene Chloride	0.40 mg/L
Molybdenum	0.10 mg/L
Mercury	0.05 mg/L

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Nickel	0.25 mg/L
Phenols	0.001 mg/L
Phosphates (as PO ₄)	50.00 mg/L
Phosphorus (as P)	10.00 mg/L
Selenium	0.01 mg/L
Silver	0.10 mg/L
Sulfates	500.00 mg/L
Suspended Solids	240.00 mg/L
Tin	1.00 mg/L
Total Dissolved Solids	500.00 mg/L
Total for all Priority Pollutants	15.0 mg/L
Total Halogenated Organics	2.00 mg/L
Total Kjeldahl Nitrogen	45.00 mg/L
Toxaphene	0.01 mg/L
Vanadium	0.10 mg/L
Zinc	0.50 mg/L
2,4,5-TP Silvex	0.02 mg/L

Specific Toxic Substance Notification Levels (for manufacturing, commercial, mining, silvicultural discharges):

Acrolein	200 ug/L
Acrylonitrile	200 ug/L
2-, 4-Dinitrophenol	200 ug/L
2-methyl, 4-, 6-Dinitrophenol	500 ug/L

- D. The above criteria are subject to amendment based on process performance, new requirements from regulatory agencies, or technical developments.
- E. Laboratory analysis shall be performed on a representative 24-hour composite sample (or grab sample at discretion of the Township and/or Authority) and all analytical procedures shall be consistent with the latest revised edition of Standard Methods for the Examination of Water and Wastewater.